Application No.: 10/519,736
Examiner: JULES, FRANTZ F

REMARKS

In paragraph 1 of the Office Action, the drawings were objected to because reference sign "2C" did not appear in the drawings although it was used in the description. In response, the description has been amended at page 14, line 6 to rewrite "2C" as --20--. This correction avoids the need for the submission of new drawings as the amended description conforms the description to the drawings. The applicant apologizes for not correcting this in the prior response which resulted from confusion with Fig. "2C" and the reference sign '2C " in the specification. For this reason, it is requested that the requirement for new drawings be withdrawn.

In paragraph 2 of the Office Action, the Examiner objected to claims 1-5 and 7-11 as being informal. It is assumed that the Examiner's reference to claim 11 was intended to a reference to claim 1. Claim 1 has been amended to insert "a" at line 11 before the word "guide" and to delete "a" before the word "box" at line 13. The phrase "characterized in that" has been deleted from the claims and the word "wherein" has been inserted in its place. For these reasons, it is requested that the objections of record be withdrawn.

In paragraph 4 of the Office Action, claim 7 was rejected under 35 U.S.C.§112, second paragraph,. As being indefinite for failing to particularly point out and distinctly claim the subject matter that the applicant regards as the invention.

Reconsideration is requested in view of this Amendment.

Claim 7 has been amended to point out the "track-tightener" is actually the "track tightening device" as pointed out in claim 1. For this reason, it is requested that this ground of rejection be withdrawn.

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In paragraph 7 of the Office Action, claims 1-2, 4-5, and 7-10 were rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. (U.S. Patent No.: 4,887,872).

Reconsideration is requested.

Amended claim 1 now points out that the movable lower supporting roller (22) is singly and firmly fixed to the second movable structure in order to keep the length of the track and the axis of the lower support roller constant and at a minimum value under all conditions of operation.

The supporting roller described by Adams is pivotable about its axis of attachment for the purpose of adapting the crawler to uneven terrain. The amendment to claim 1 points out that the axis of the supporting roller (22) is fixed to the second movable structure (8) so that the length of the section of track, located between the axis of the idler wheel (3) and the axis of said movable lower supporting roller (22) is constant and at a minimum value during the operation of the crawler under all operating conditions. This structure is exemplified by applicant's Fig. 3. In contrast with the applicant's Fig. 3, Adams in their Fig. 2 illustrate that the idler wheel 18 rotates within bracket 44 which does not support any guide wheel. The guide wheels in Adams et al. are not fixed to the same structure that the idler wheel is attached. This is distinctly different from the applicant's track tightener, as defined in amended claim 1. It should be emphasized that the guide wheels which are disclosed by Adams are mounted on a rotatable axis which will not provide support to a constant length of track during the functioning of the crawler under all conditions. Amended claim 1 points out this feature.

The housing guide system described in Adams et al. operates by means of cooperation of the structure (24, and 25) and the recoil assembly (30). This recoil assembly is a non-fluid cylinder (column 3, line 40), therefore the frame assembly (24) is a cylinder body as well.

The tensioning of the track chain or track belt used in the crawler machines, such as in Adams et al., is necessary due to the particular geometric shape of the track chain envelope (angle of the track chain side going down to the ground) which creates a force trying to press the front idler wheel or the movable structure vertically up and horizontally rearwards. This horizontal force is counteracted by a track tensioner and said force is transmitted to the main frame while the vertical force is counteracted by the upper fittings (26).

In the present invention there is no need for all around constraints as in a cylinder guide system, such as Adams et al. The present invention is designed so that the only forces needed to be counteracted are the vertical upward force and the lateral forces.

Based on the foregoing, it is clear that Adams et al. fails to point out all the specific elements of the amended claims. Therefore, it is requested that this ground of rejection be withdrawn.

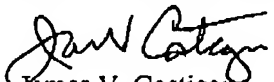
Claim 3 has been canceled and thus the rejection of claim 3 has been rendered moot.

Claim 6 and 11 point out non-obvious subject matter because they are dependent directly or indirectly, from claim 1. Specifically, each of the rejected claims recite the limitation that at least one movable supporting roller (22) is in contact with the idler wheel (3) so that the reciprocal distance does not vary during the operating life of the vehicle, under any operating condition and with any range of the track-tightening device and that structure (20) is a box structure. Adams et al. fail to disclose these elements. Additionally, there is nothing in Adams et al. that provides any suggestion or motivation to modify the elements disclosed. Lastly, even if there were sufficient motivation or suggestion to modify the prior art patent, which Applicant does not concede, the resulting disclosure would still fail to point out the elements of the amended claims. The prior art is designed around a cylinder guide system. Any obvious modification of the prior art would

still point out a cylinder guide system. The present invention points out a box shaped structure that provides improved performance and ease of manufacture. The disclosure in Adams et al. does not reveal if a box structure is placed around the structure of Fig. 3 . It appears from a comparison of Fig. 1 and Fig. 2 of Adams et al. that element 25, which is the first end portion of the roller frame assembly, serves as the mounting base for the pivotable guide rollers (26). If the guide rollers were mounted on the same structure as the idler wheel (18), this would have been disclosed in Fig. 3, For these reasons, the amended claims are not made obvious by the Adams e3t al. patent.

An early and favorable action is earnestly solicited.

Respectfully Submitted,



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